

### REMARKS

By the above actions, claims 1 and 2 have been amended and new claims 15-30 have been added. In view of these actions and the following remarks, further consideration of this application is requested.

#### Examiner Interview

Applicants would like to thank Examiner Ford for the time and courtesy extended to Applicant's Representatives, David Safran and Kara Fletcher, during a personal interview conducted on December 20, 2006. In that Interview it was agreed that Applicant would file the attached Request for Continued Examination to allow consideration of amendments designed to clarify the meaning of modes referred to in claim 1, and pursue other features of the present invention through dependent claims. It was also agreed that the basis of support in the original disclosure for use of the term "selective" would be explained in detail.

#### Existing Claims

Firstly, it is noted that the term "selectively" has been removed from claim 1 and this feature is being pursued in a new set of claims as described in detail below. Instead, claim 1 now focuses on the nature of the two modes of operation. In particular, claim 1 recites that a generator supplies electricity to the electrically driven compressor when the motor vehicle is in a driving mode in which the vehicle motor is on for enabling the electrically driven compressor to be operated at a high power level during the driving mode and that a battery is supplies electricity to the electrically driven compressor when the motor vehicle is in a stationary operating mode in which the vehicle motor is off and during which the electrically driven compressor is inactive or at most operated at a low power level, as is described in paragraphs [0013] and [0028] of the specification.

#### New Claims

New claims 15-30, which include the "selective" feature as noted above along with additional features not believed to be taught or suggested by the prior art of record. In order to assist the Examiner, Applicants have provided the following claim chart to demonstrate support

for these new claims and the “selective” feature in particular. It should be noted that this chart is for explanatory purposes only and should not be considered limiting or all encompassing.

<b>Claim</b>	<b>Feature</b>	<b>Support</b>
15	First operational mode	Par. 28, lines 1-3.
	Second operational mode	Par. 28, lines 4-7 and par. 8, lines 4-6.
	Generator	Par. 13, lines 1-7.
	First circuit	Par. 18, lines 1-22 and par. 23, lines 4-16.
	Second circuit	Par. 26, lines 1-8 and par. 27, lines 1-3 and 12-14.
	First operational mode – selective powering of the compressor with a generator	Par. 22, lines 17-26 and par. 28, lines 1-6.
	Second operational mode – powering of the pump	Par. 27, lines 1-11. Par. 28, lines 6-9.
16	First operational mode – selective powering of the compressor with a battery	Par. 22, lines 17-26 and par. 28, lines 1-6.
17	First operational mode – selective powering of the compressor with a fuel cell	Par. 22, lines 17-26 and par. 28, lines 1-6.
18	The generator is driven by rotation of a crankshaft of the vehicle engine	Par. 7, lines 1-4.
19	Power supplied to the electrically driven compressor is independent of the rotational speed of the crankshaft	Par. 6, lines 7-13.
20	The compressor functions at more than power level	Par. 13, lines 5-7 and Par. 28, lines 3-6.
21	The compressor functions at a high power level in the first operational mode and a low power level in the second operational mode	Par. 13, lines 5-7 and Par. 28, lines 3-6.
22	The expansion valve is controllable	Par. 22, lines 6-7.
23	The expansion valve comprises a restrictor	Par. 22, lines 6-7.
24	The first circuit further includes a collector	Par. 22, lines 8-11.
25	The collector comprises a drier	Par. 22, lines 8-11.

26	The heat exchanger is located in a driver's compartment of the vehicle	Par. 27, lines 11-13.
27	The heat exchanger is located in a sleeping space of the vehicle	Par. 27, lines 11-13.
28	The first circuit further includes a first blower associated with the condenser	Par. 23, lines 4-6.
29	The second circuit includes a second blower associated with the heat exchanger	Par. 27, lines 6-11.
30	The condenser comprises a gas cooler	Par. 25, lines 1-4.

#### Selective Modes of Operation

Independent 15 now recites “an electrically driven compressor selectively powered by the electrical current from the generator.” In addition to the support for this feature indicated above, that the electrically driven compressor may be selectively powered in different ways is supported by the specification, for example, by the following descriptions from the specification that indicate that the compressor may be selectively driven by the vehicle engine in an operational mode of the vehicle engine (i.e. when the engine is on) and that, in a stationary mode of operation of the vehicle engine (i.e. when the engine is off), the compressor may be alternatively driven by a lower electrical power:

Electrical energy is preferably fed to the electrically driven compressor 2 from a generator 24 which is driven by a drive shaft 26 of a drive 28 of the motor vehicle. [Paragraph [0022], lines 15-18]

During the stationary operating mode of the motor vehicle, the compressor 2 is preferably not driven, and is at most driven with a low electrical power. [Paragraph [0028], lines 3-6]

The specification also teaches that the lower electrical power may be provided by a fuel cell or a battery during the stationary operating mode.

The electrically driven compressor can, however, also be fed electrical energy in other ways, for example by means of a fuel cell or some other element which outputs electrical energy, for example a battery. [Paragraph [0022], lines 20-23]

In view of the foregoing, one skilled in the art would appreciate that the electrically driven compressor, at a minimum, is configured for selective operation by receiving power from the generator when the vehicle engine is operating or from a battery or fuel cell when the vehicle engine is not operating.

Rejections under 35 U.S.C. §112

Claims 1, 2, 7, 8 and 14 were rejected under § 112, first paragraph for failing to comply with the written description requirement with regard to the reference in claims to the selective supply of power from the generator and battery. However, as can be from the references to the specification above, given the fact that literal recitation of the language of the claims in the specification is not required but rather it is sufficient that “the specification describe the invention sufficiently for those of ordinary skill in the art to recognize that the applicant invented the subject matter he now claims” *In re Voss*, 194 USPQ 267, 271 (CCPA 1977) citing *In re Smythe*, 480 F.2d 1376, 1382, 178 USPQ 279, 284 (CCPA 1973); see also, MPEP §2163, Part I & Part II.B, the written description requirement has been met with respect to the claims, including the use of the term “selectively.” Therefore, withdrawal of the rejection under § 112, first paragraph is in order and is requested.

Rejections under 35 U.S.C. §102 and §103

Claims 1, 2, 7, 8 and 14 have been rejected under 35 U.S.C. §§ 102/103 as being anticipated/rendered obvious by U.S. Patent No. 6,059,016, to Rafalovich, or U.S. Patent No. 6,260,367, to Khelifa et al., and alternatively, claims 1, 2 and 14 were rejected under 35 U.S.C. §103 as being obvious based upon either Rafalovich or Khelifa et al. when viewed further in combination with U.S. Patent Application Publication No. 2001/0015070 to Hara while claims 7 & 8 were rejected 35 U.S.C. §103 as being obvious based upon either Rafalovich or Khelifa et al. when viewed further in combination with PCT Publication No. WO 01/40005 to Kang. However, to the extent that these rejections might relate to the claims as now presented, they should be withdrawn for the following reasons.

With respect to Rafalovich, particularly the Fig. 32 embodiment cited by the Examiner, it is clear that the dual modes based on the operating mode of the vehicle motor as set forth in amended claim 1 or those of new claim 15 are not taught. Thus, Rafalovich cannot anticipate or even suggest the present invention.

As for Khelifa et al., teach that their compressor and/or pump can be powered either by the vehicle battery when the vehicle motor is turned off or by the vehicle motor via a mechanical coupling when the motor is running. However, Khelifa et al. do not teach using a motor-driven generator to power the compressor and pump electrically when the motor is operating and to discontinue operation of the compressor, or at most run it a minimal level when the battery is being used to power the pump.

As for the disclosure of Hara, it cannot teach a modification to either Rafalovich or Khelifa et al. which would lead to the present invention since Hara teaches modes of operation for his compressor such that it is run by a battery-powered electric motor during an idling stop, then upon resumption of driving the compressor is driven initially by both the electric motor and vehicle engine, and then, after the elapse of a set time period, the compressor is operated solely by the vehicle engine. Such modes of operation are no closer to those possessed by the claimed invention than those of Rafalovich and Khelifa et al., and no possible combination of these teaching could lead one of ordinary skill in the art to device a system having the capabilities of the present invention as now claimed, by which a motor-driven generator is used to power the compressor and pump electrically when the motor is operating and operation of the compressor

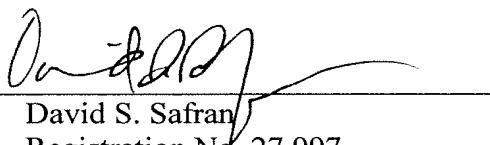
is discontinued, or at most run it a minimal level, when the battery is being used to power the pump.

While the Kang publication does disclose an air conditioning system having an engine-powered generator for driving the compressor of the air conditioning system, it does in the maximum mode and in an economy mode it is driven with regenerated energy. However, Kang does not disclose an operating mode which functions when the engine is turned off, nor does it relate to a system with a latent cold holdover (thermal storage in Rafalovich et al.'s terms and cold reservoir as stated by Khelifa et al.). Thus, Kang is incapable of contributing anything to the disclosures of Rafalovich or Khelifa et al. with respect to operation with the vehicle motor turned off the construction of a system that uses a latent cold holdover.

Therefore, on the basis of the foregoing, it is submitted that all of the outstanding rejections should be withdrawn, and action to that effect is requested.

While this application should now be in condition for allowance, in the event that any issues should remain after consideration of this response which could be addressed through discussions with the undersigned, then the Examiner is requested to contact the undersigned by telephone for that purpose.

Respectfully submitted,

By:   
David S. Safran  
Registration No. 27,997

Customer No. 25570

Roberts Mlotkowski & Hobbes P.C.  
P.O. Box 10064  
McLean, VA 22102

Direct Telephone: (703) 584-3273

DSS:kmm